

**Appl. No.** : **10/758,495**  
**Filed** : **January 15, 2004**

### **REMARKS**

On August 4, 2005, the Examiner stated that Claims 1 – 48 are subject to a restriction and/or election requirement between the following:

Species I: an implanted sensor to minimize thrombus formation.

Species II: drawn to an implanted sensor to measure nitric oxide.

In response, Applicant hereby elects Species II (Claims 25 - 37) for prosecution on the merits, without traverse, and without prejudice to the prosecution of the non-elected claims 1 – 24 and 38 – 48, which have been cancelled, in one or more divisional, continuation, or continuation-in-part applications. Claims 25 - 37 read on this Species.

Claims 25 – 37 were pending in the present application before this Amendment. Applicants have amended the claims to include new Claims 49 – 80. Applicants have also cancelled Claim 37 without prejudice to the prosecution of this claim in one or more divisional, continuation or continuation-in-part applications. Thus, currently, Claims 25 – 36 and 49 – 80 stand pending in this application.

### **RESPONSE TO CLAIM OBJECTION**

The Examiner stated that Claim 31 is objected to in that there is no antecedent basis for the “tubular support structure,” as it was previously referred to only as a “support structure.” Accordingly, Applicants have deleted the reference to “tubular” in the phrase “tubular support structure” to overcome the objection. Similarly, Applicants have deleted the reference to “tubular” in the phrase “tubular support structure” in Claim 32.

### **RESPONSE TO CLAIM REJECTIONS**

The Examiner rejected claims 25- 37 on various grounds. For example, the Examiner rejected claims 25, 27, 29 and 30 under 35 U.S.C. 102(e) as being anticipated by Lebel et al. 2004/0236201 and the Examiner rejected claims 25, 26, 28, and 31 – 36 under 35 U.S.C. 103(a) as being unpatentable over Silver 6,442,413 in view of Lebel et al. Applicants respectfully disagree with the propriety of the Examiner’s various rejections.

Applicants have amended Claim 25 to further differentiate the claim from the cited art. Claim 25 now recites, among other things, that the “sensing surface includes

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a layer that minimizes the formation of thrombus." The cited art does not disclose or suggest all the features of Claim 25. Accordingly, Claim 25 is believed to be allowable. Applicants have also amended Claim 36. Claims 26 – 36, which depend from Claim 25, are believed to be allowable for the same reasons articulated above with respect to Claim 25, and because of the additional features recited therein. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections and pass claims 25 – 36 to allowance.

### NEW CLAIMS

Claims 49 - 54 are new claims. Claims 49 - 54 depend from Claim 25 and are believed to be allowable for the same reasons articulated above with respect to Claim 25, and because of the additional features recited therein.

Claims 55 - 80 are also new claims. These claims are believed to be allowable because the cited art does not disclose or suggest all the features recited in any of the claims.

Accordingly, Applicants respectfully request that the Examiner pass Claims 49 – 80 to allowance.

### CONCLUSION

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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